

# PCT

Docket No.: **PG3614USW**  
In re:  
US National Application No.: **Anthony Patrick JONES et al**  
US National Filing Date: **09/914,830**  
International Application No.: **PCT/EP00/01443**  
International Filing Date: **January 23, 2000**  
PCT Notice of Missing Requirements mailed: **October 26, 2001**  
Title: Medicament Delivery System

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Commissioner for Patents  
BOX PCT  
Washington, DC 20231  
Attn: DO/EO/US

## PCT Response to Notification of Missing Requirements under 35 USC 371 in the DO/EO/US

Sirs:

In response to the PCT Notification of Missing Requirements under 35 USC 371 in the DO/EO/US (form PCT/DO/EO/905) mailed to us on October 26, 2001, we are faxing the following proof that this requirements was met on SEPTEMBER 24, 2001. On that date, we submitted a 2<sup>nd</sup> transmission to the PCT (DO/EO/US) which included the signed declaration with signatures by inventors Anthony Patrick JONES and Gregor John McLennan ANDERSON. Also included in this transmission was the request to debit our deposit account the \$130.00 late fee.

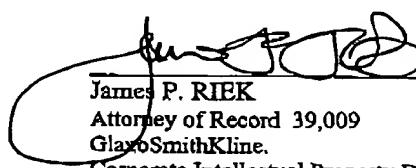
As proof of submission, I attached the following documents:

- Copy of Form PCT/DO/EO/905 mailed October 26, 2001
- 2<sup>nd</sup> transmittal papers showing request for \$130.00 to be debit to our account and the returned post card stamped 24 September 2001.
- Copy of the US Declaration/Power of Attorney signed by inventors Anthony Patrick JONES and Gregor John McLennan ANDERSON

We request that the September 24, 2001 date be logged in as the application filing date.

Respectfully submitted,

Date: 8 Nov 2001

  
James P. RIEK  
Attorney of Record 39,009  
GlaxoSmithKline  
Corporate Intellectual Property Department  
Five Moore Drive, PO Box 13398  
Research Triangle Park, NC 27709  
Telephone: 919-483-2370  
Fax: 919-483-7988

CP Docket No: PG3614USW  
 Attorney: JPR  
 Paper: ~~N/MISSING REQUIREMENTS~~

✓ Due Date: 26 DEC 01  
 Deadline: 26 APR 02  
 Recorded: pdy

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/914,830	Anthony Patrick Jones	PG3614USW

INTERNATIONAL APPLICATION NO.

PCT/EP00/01443

I.A. FILING DATE	PRIORITY DATE
02/23/2000	03/06/1999

David J. Levy  
 GlaxoSmithKline  
 Five Moore Drive  
 P.O. Box 13398  
 Research Triangle Park, NC 27709

**RECEIVED**

10/10/2001

CONFIRMATION NO. 4156

Global Intellectual Property 371 FORMALITIES LETTER



0000000006970274

Date Mailed: 10/26/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

FAX RECEIVED

FEB 05 2002

GROUP 3700

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Late oath or declaration Surcharge.**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

KAREN M WILLIAMS

Telephone: (703) 305-3688

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,830	PCT/EP00/01443	PG3614USW

**POST OFFICE  
TO ADDRESSEE**



\*EL395894962US\*

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<b>ORIGIN (POSTAL USE ONLY)</b>		
PO ZIP Code <i>27709</i>	Day of Delivery <input checked="" type="checkbox"/> <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In <i>9/24/01</i>	Postage <i>\$ 12.45</i>	
Time In <i>4 PM</i>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee <input type="checkbox"/>
Weight <i>3 lbs</i>	<input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day	Int'l Alpha Country Code <input type="checkbox"/> CDD Fee <input type="checkbox"/> Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <i>JF</i>	Total Postage & Fees <i>\$ 12.45</i>
<b>CUSTOMER USE ONLY</b> <b>METHOD OF PAYMENT</b> Express Mail Corporate Acct. No. <i>X277031202</i>		
<input type="checkbox"/> <b>WAIVER OF SIGNATURE</b> (Domestic Only) Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without my signature or addressess a agent or delivery employee judges that article can be left unattended and I authorized that delivery employee's signature constitutes valid proof of delivery. <b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
Forward Agency Acct. No. or Postal Service Acct. No.		
FROM: (PLEASE PRINT) <i>GLAXO WELLCOME INC</i>	PHONE <i>PG 3614 USW</i>	TO: (PLEASE PRINT) <i>PCT (DO/ED/US)</i>
GLBAL INTELLECTUAL PROPERTY PO BOX 13398 RTP NC 27709-3398		



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**PRESS HARD.** FOR PICKUP OR TRACKING CALL 1-800-222-1811 [www.usps.gov](http://www.usps.gov)

DOCKET NO.: PG 3614 USW  
 SERIAL NO.: 35 USC 371 of PCT/EP00/01443  
 TITLE: Medicament Delivery System

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below are received.

- Application \_\_\_\_\_ pages \_\_\_\_\_ claims
- Abstract
- Assignment w/Coverletter
- Drawings ( \_\_\_\_\_ sheets)
- Declaration/Oath w/Power of Attorney  Unexecuted  Executed
- Fee Authorization & Deposit Account Copy
- IDS-Publication Disclosure (37 CFR 1.56)  w/o References  w/References
- Amendment ( \_\_\_\_\_ )
- Petition for Extension of Time  1mo  2mo  3mo  4mo
- Issue Fee Transmittal
- Notice of Appeal
- Appeal Brief
- Req. for Oral Hearing
- Certificate of Mailing

**JC05 Rec'd PCT/PTO 24 SEP 2001**

✓ Express Mail

Express Mail Label  
**EL395894962US**

*Mailed 9/24/01*

**CERTIFICATE OF MAILING . . . "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Anthony Patrick JONES and Gregor John McLennan ANDERSON

Docket No.

PG3614USW

Serial No.	Filing Date	Examiner	Group Art Unit
371 of PCT/EP00/01443			

Invention:

Medicament Delivery System

I hereby certify that this Declaration relating to the 35 USC 371 application PCT/EP00/01443*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on September 24, 2001  
*(Date)*Elaine Martens*(Typed or Printed Name of Person Mailing Correspondence)*Elaine MartensEL395894962US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

PG3614

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR)

INTERNATIONAL APPLICATION NO. PCT/EP00/01443	INTERNATIONAL FILING DATE 23 February 2000	PRIORITY DATE CLAIMED March 6, 1999
TITLE OF INVENTION Medicament Delivery System		
APPLICANT(S) FOR DO/EO/US Anthony Patrick JONES and Gregor John McLennan ANDERSON		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>		
Items 13 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A FIRST preliminary amendment.</li> <li>16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Certificate of Mailing by Express Mail</li> <li>23. <input type="checkbox"/> Other items or information:</li> </ol>		

24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (S)) :**

<input type="checkbox"/>	Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1000.00
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$860.00
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$710.00
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$690.00
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).

 20     30

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	\$0.00
Independent claims	- 3 =	0	x \$80.00	\$0.00

Multiple Dependent Claims (check if applicable).

\$0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$0.00

Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00

**SUBTOTAL =**

\$0.00

Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).

 20     30

+ \$130.00

**TOTAL NATIONAL FEE =**

\$130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

\$0.00

**TOTAL FEES ENCLOSED =**

\$130.00

Amount to be: refunded	\$
charged	\$

- a.  A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 07-1392 in the amount of \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

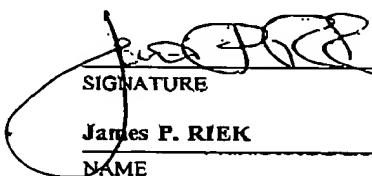
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

David J. Levy  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive, PO Box 13398  
Research Triangle Park, NC 27709  
Telephone: 919-483-2370  
Fax: 919-483-7988



23347  
PATENT TRADEMARK OFFICE

  
**SIGNATURE**  
 James P. RIEK  
**NAME**  
 39,009  
**REGISTRATION NUMBER**  
 24 Sept 2001  
**DATE**

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24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1000.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$860.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$710.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$690.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (c)).

20     30

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	\$0.00
Independent claims	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable)			<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>	<b>=</b>			<b>\$0.00</b>
<input type="checkbox"/> Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$0.00
<b>SUBTOTAL</b>	<b>=</b>			<b>\$0.00</b>
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).				<input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 + \$130.00
<b>TOTAL NATIONAL FEE</b>	<b>=</b>			<b>\$130.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).				<input type="checkbox"/> \$0.00
<b>TOTAL FEES ENCLOSED</b>	<b>=</b>			<b>\$130.00</b>
				Amount to be refunded \$
				charged \$

- a.  A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 07-1392 in the amount of \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

David J. Levy  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive, PO Box 13398  
Research Triangle Park, NC 27709  
Telephone: 919-483-2370  
Fax: 919-483-7988

  
**SIGNATURE**  
James P. RIEK  
**NAME**  
39,009  
**REGISTRATION NUMBER**  
24 Sept 2001  
**DATE**

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# FAX

To Vonda Wallace  
Company USPTO  
Fax 9-1-703-305-3230  
From Elaine Martens  
Tel 919-483-2252  
E-mail

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
[www.gsk.com](http://www.gsk.com)

FAX RECEIVED

FEB 05 2002

GROUP 3700

Dear Vonda Wallace:

Per our phone conversation today, attached please find our response to the PCT Response to Notification of Missing Requirements.

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.